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7                   **UNITED STATES DISTRICT COURT**  
8                   **FOR THE WESTERN DISTRICT OF WASHINGTON**  
9                   **TACOMA DIVISION**

10  
11                   HEATHER HOLLINGSWORTH,

12                   Plaintiff,

13                   v.

14                   GC SERVICES, LP.; and DOES 1 to 10,  
15                   inclusive,

16                   Defendant.

17                   Case No.

18  
19                   **COMPLAINT FOR VIOLATIONS OF**  
20                   **THE FAIR DEBT COLLECTION**  
21                   **PRACTICES ACT ("FDCPA"), THE**  
22                   **WASHINGTON COLLECTION**  
23                   **AGENCY ACT ("WCAA") AND THE**  
24                   **WASHINGTON CONSUMER**  
25                   **PROTECTION ACT ("WCPA")**

26                   **JURY TRIAL DEMANDED**

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28                   **COMPLAINT AND DEMAND FOR JURY TRIAL**

29       1.       This is an action for actual and statutory damages brought by plaintiff Heather  
30       Hollingsworth (hereinafter "Plaintiff"), an individual consumer, against defendant GC Services,  
1       LP, for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*  
2       (hereinafter "FDCPA"), and Washington Collection Agency Act (hereinafter "WCAA") which  
3       prohibit debt collectors from engaging in abusive, deceptive, and unfair practices.

4       2.       Plaintiff is Heather Hollingsworth, an adult individual whose principal residence is in  
5       Vancouver, Clark County, Washington 98685.

6       3.       Defendants are the following:

7       COMPLAINT - 1  
8       (Case No. \_\_\_\_\_)

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- a. Upon information and belief the Defendant, GC Services, LP, is a corporation engaged in the business of collecting debt in this state and in several other states, with its principal place of business located at 6330 Gulfton Street, Suite 300, Houston, Harris County, Texas 77081. The principal purpose of Defendant is the collection of debts in this state and several other states, and Defendant regularly attempts to collect debts alleged to be due another.
- b. John Does 1-10, individuals or business entities whose identities are not known to Plaintiff at this time, but which will become known upon proper discovery. It is believed and averred that such Does played a substantial role in the commission of the acts described in this complaint.

## JURISDICTION AND VENUE

4. The previous paragraphs of this complaint are incorporated by reference and made a part hereof.

5. Jurisdiction of this court arises under 15 U.S.C. §1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1337 and/or 28 U.S.C. 1367.

6. Venue is proper in this jurisdiction because Defendants do business in this jurisdiction and avail themselves of the benefits of the market in this jurisdiction.

7. Venue is proper in this jurisdiction because a substantial portion of the transactions, occurrences or omissions took place near this jurisdiction.

## **FACTUAL ALLEGATIONS**

8. The debt that Defendant is attempting to collect on is an alleged obligation of a consumer to pay money arising out of a transaction in which the money, property, insurance or

1 services which are the subject of the transaction are primarily for personal, family, or household  
2 purposes, whether or not such obligation has been reduced to judgment.

3 9. Within one (1) year preceding the date of this Complaint, Defendant, in connection with  
4 the collection of the alleged debt, contacted Plaintiff and threatened to garnish Plaintiff's wages.  
5

6 10. Defendant has no standing to commence garnishment proceedings on behalf of the  
7 creditor.  
8

9 11. Defendant is a debt collection company and as a debt collection company attempting to  
10 collection an alleged debt, Defendant can only refer the matter back to the creditor with a  
11 recommendation that the original creditor attempt legal proceedings which could result in  
12 garnishment.  
13

14 12. The representations made to Plaintiff by Defendant regarding garnishment were false.  
15

16 13. Within one (1) year preceding the date of this Complaint and during the first thirty (30)  
17 days of communicating with Plaintiff, Defendant, in connection with the collection of the  
18 alleged debt, demanded payment on the alleged debt and thereby overshadowed the Plaintiff's  
19 right to dispute the validity of the debt.  
20

21 14. The natural consequences of Defendant's statements and actions were to unjustly  
22 condemn and vilify Plaintiff for her non-payment of the debt she allegedly owed.  
23

24 15. The natural consequences of Defendant's statements and actions were to produce an  
unpleasant and/or hostile situation between Defendant and Plaintiff.  
25

26 16. The natural consequences of Defendant's statements and actions were to cause Plaintiff  
mental distress.  
27

28 17. Defendant utilized unfair and unconscionable means to collect on Plaintiff's alleged  
29 debt, by lying to and misleading Plaintiff.  
30

**COUNT ONE: VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT  
15 U.S.C. § 1692**

18. The previous paragraphs of this complaint are incorporated by reference and made a part of this action.

19. Plaintiff is a consumer as defined by the Fair Debt Collections Practices Act (FDCPA),  
15 U.S.C. 1692 et. seq.

20. At all relevant times in this Complaint, Defendants were acting as debt collectors as defined by the FDCPA, 15 U.S.C. § 1692a(6).

21. At all times mentioned herein, Defendants were attempting to collect on an alleged consumer debt against Plaintiff.

22. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequences of which is to harass, oppress, or abuse any person in connection with the collection of an alleged debt; and
  - b. Defendant violated §1692e of the FDCPA by using a false, deceptive, or misleading representation or means in connection with the collection of the alleged debt; and
  - c. Defendant violated §1692e(4) of the FDCPA by giving the false representation or implication that nonpayment of the alleged debt will result in the garnishment of wages of any person when such action is unlawful and the Defendant does not intend to take such action; and action that it did not intend to take; and

- 1           d. Defendant violated §1692e(5) of the FDCPA by threatening to take action that  
2                 the Defendant does not intend to take and/or the Defendant cannot legally take;  
3                 and  
4  
5           e. Defendant violated §1692e(10) of the FDCPA by using false representation or  
6                 deceptive means in connection with the collection the alleged debt; and  
7  
8           f. Defendant violated §1692f of the FDCPA by using unfair or unconscionable  
9                 means in connection with the collection of an alleged debt; and  
10  
11          g. Defendant violated §1692g(b) of the FDCPA by overshadowing or being  
12                 inconsistent with the disclosure of the consumer's rights to dispute the debt or  
13                 request the name and address of the original creditor.

14          23. Defendant's acts as described above were done intentionally with the purpose of  
15                 coercing Plaintiff to pay the alleged debt.

16          24. As a result of the foregoing violations of the FDCPA, Defendant is liable to the Plaintiff,  
17                 Heather Hollingsworth, for an order adjudicating Defendant's conduct to be a violation the  
18                 FDCPA, actual damages, statutory damages, and costs and attorney fees.

20           **COUNT TWO: VIOLATION OF WASHINGTON STATE WASHINGTON  
21                 COLLECTION AGENCY ACT AND CONSUMER PROTECTION ACT**

22          25. The previous paragraphs of this complaint are incorporated by reference and made a part  
23                 of this action.

25          26. Plaintiff is a debtor as defined by the Washington Collection Agency Act (WCAA),  
26                 RCW 19.16.100(11).

27          27. At all times relevant in this Complaint, Defendants were acting as an out-of-state  
28                 collection agency as defined by the WCAA, RCW 19.16.100(4).  
29  
30

28. At all times mentioned herein, Defendants were attempting to collect on an alleged consumer debt against Plaintiff.

29. The above referenced conduct violates WCAA for the following reasons:

- a. Defendant violated RCW 19.60.250(16) by threatening to take action against Plaintiff and garnish her wages when Defendant cannot legally take that action when the threat was made.
  - b. Defendant's conduct violates RCW 19.16.440, which states "the commission by a licensee or an employee of a licensee of an act or practice prohibited by RCW 19.16.250 are declared to be unfair acts or practices or unfair methods of competition in the conduct of trade or commerce for the purpose of the application of the Consumer Protection Act found in RCW 19.86.

**WHEREFORE**, Plaintiff Heather Hollingsworth respectfully requests that judgment be entered against defendant GC SERVICES, LP., for the following:

- A. Actual damages from each Defendant pursuant to 15 U.S.C. § 1692k(a)(1).
  - B. Statutory damages pursuant to 15 U.S.C. § 1692k.
  - C. Treble damages pursuant to RCW 19.86 et. seq.
  - D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and/or RCW 19.86.090.
  - E. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law.
  - F. For such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Please take notice that Plaintiff, Heather Hollingsworth, demands trial by jury in this action.

DATED: October 9, 2012

**MEYLER LEGAL, PLLC**

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**COMPLAINT - 7**  
(Case No. )

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